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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,813	12/08/2000	Vahan Avetisian	259/175	3080

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Thomas J. Brindisi
20 28th Place, #B
Venice,, CA 90291

EXAMINER

TUDOR, HAROLD JAY

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application 09/733 813	Applicant(s) Avetisyan et al	
	Examiner Tudor, H.J	Art Unit 3641	Confirmation No

- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 8-12-03
- ☒ This action is **FINAL**. ☐ This action is non-final.
- ☐ Since this application is in condition for allowance except for the formal matters, prosecution as to the merits is close accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-5, 7-16, 19, 20, 22, 24, 25 is/are pending in this application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-5, 7-16, 19, 20, 22, 24, 25 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved or ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.
- ☐ The drawing(s) filed on _____ is/are ☐ accepted or ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received:

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- ☐ The translation of the foreign language provisional application has been received.
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 8-11, 22, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Refouvelet et al in view of either Taylor et al or Craig et al. Refouvelet et al disclose the initiator and the method of making the initiator substantially as claimed. However, Refouvelet et al do not disclose, in Fig. 1, the electrically-nonconductive overmolded body surrounding substantially all of the initiator subassembly. Lines 4-6 of the abstract state that the casing includes a molded plastics material surrounding at least the end plate and a portion of the electrodes. This statement implies that the molded plastics material could surround the upper portion of the initiator. Both Taylor et al and Craig et al teach that it is old and well known in the art to substantially surround all of an initiator subassembly except for an exposed portion of a connector end with an electrically-nonconductive body to form a protective casing. It would have been obvious to one having

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ordinary skill in the art at the time the invention was made to have the overmolded plastic body 10 surround substantially all of the initiator subassembly of the Refouvelet et al initiator to form a protective casing, as taught by either Taylor et al or Craig et al.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Refouvelet et al in view of Hansen et al and either Taylor et al or Craig et al. Refouvelet et al, Taylor et al and Craig et al are applied as above. However, they do not disclose a nylon overmolded body. Refouvelet et al disclose that the molding 10 can be formed of a polyamide. Hansen et al teach, in Fig. 2, that it is old and well known in the art to form an overmolded body of an initiator of nylon. Nylon is a well known polyamide. To form the overmolded body of the initiator formed by the combination of Refouvelet et al and either Taylor et al or Craig et al of nylon, as taught by Hansen et al, would have been obvious to one having ordinary skill in the art at the time the invention was made.

4. Claims 12-14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Refouvelet et al in view of Swann et al and either Taylor et al or Craig et al. Refouvelet et al, Taylor

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et al and Craig et al are applied as above. However, Refouvelet et al, Taylor et al and Craig et al do not state that the overmolded body is formed by injection molding. Swann et al teach injection molding to be an old and well known method of molding an overmolded body around an initiator subassembly. To injection mold the overmolded body around the subassembly initiator formed by the combination of Refouvelet et al and either Taylor et al or Craig et al, as taught by Swann et al, would have been obvious to one having ordinary skill in the art at the time the invention was made.

5. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Refouvelet et al in view of Swann et al, Seavey and either Taylor et al or Craig et al. Refouvelet et al, Swann et al, Taylor et al and Craig et al are applied as above. However, they do not disclose injecting the molten material at the upper region of the initiator subassembly. Seavey teaches that it is old and well known in the art to vary the position of the injection points in a mold to achieve a desired result, note lines 30-35 of col. 3. It would have been obvious to one having ordinary skill in the art at the time the invention was made to inject the molten material at the upper region of the initiator subassembly in the method formed by the combination of Refouvelet

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et al, Swann et al and either Taylor et al or Craig et al in view of the teaching of Seavey.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Refouvelet et al in view of Swann et al, Hansen et al and either Taylor et al or Craig et al. References are applied as above. To injection mold a nylon overmolded body around the subassembly of the initiator formed by the combination of Refouvelet et al and either Taylor et al or Craig et al, as taught by Swann et al and Hansen et al, would have been obvious to one having ordinary skill in the art at the time the invention was made.

7. Applicants' remarks have been carefully considered.

8. Applicants allege that the combinations of Refouvelet et al and either Taylor et al or Craig et al are improper because there is no suggestion in Refouvelet et al of surrounding substantially all of the initiator subassembly with an electrically non-conductive overmolded body. Lines 4-6 of the abstract of Refouvelet et al state that the casing includes a molded plastics material surrounding at least the end plate and a portion of the

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electrodes. Applicants allege that overmolded body of Refouvelet et al is limited to only the bottom portion of the initiator subassembly. The examiner disagrees. The above statement, which includes the phrase "at least", clearly implies that the molded plastics material could surround the upper portion of the initiator. Furthermore, the secondary references, Taylor et al and Craig et al, clearly teach that it is old and well known in the art to substantially surround all of an initiator subassembly except for an exposed portion of a connector end with an electrically-nonconductive body to form a protective casing. Therefore, to have the overmolded plastic body 10 surround substantially all of the initiator subassembly of the Refouvelet et al initiator to form a protective casing, as taught by either Taylor et al or Craig et al, would have been obvious to one having ordinary skill in the art at the time the invention was made.

9. Applicants allege that the combinations of Refouvelet et al and either Taylor et al or Craig et al are improper because both Taylor et al and Craig et al teach thin coverings that do not appear to be injection-molded and do not provide structural support or any installation orientation features. A secondary reference need not disclose all the elements of the claimed

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invention. Both Taylor et al and Craig et al teach that it is old and well known in the art to substantially surround all of an initiator subassembly except for an exposed portion of a connector end with an electrically-nonconductive body to form a protective casing. The primary reference, Refouvelet et al, clearly discloses a molded plastic body surrounding the initiator subassembly which provides structural support and installation orientation features. Therefore, the combinations of references are deemed to be proper.

10. Applicants allege that the combination of Refouvelet et al and Taylor et al is improper because it would have not been obvious to one having ordinary skill in the art at the time the invention was made to apply a rubberlike coating to an automotive initiator in view of the teaching of Taylor et al. Taylor et al are being used solely for their teaching that it is old and well known in the art to substantially surround all of an initiator subassembly except for an exposed portion of a connector end with an electrically nonconductive body to form a protective casing. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the plastic overmolded body 10 of Refouvelet et al surround substantially all of the initiator subassembly to form a

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protective casing in view of the teaching of Taylor et al.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

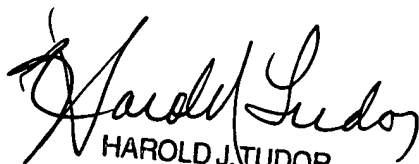
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold J. Tudor, whose telephone number is (703) 306-4172.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be

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reached on (703) 306-4198. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.


HAROLD J. TUDOR
PRIMARY EXAMINER